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**JUL 21 1993**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

SUSAN H. ROSENAU

July 21, 1993

***By Hand Delivery***

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

OUR FILE NO.  
0992-102-65

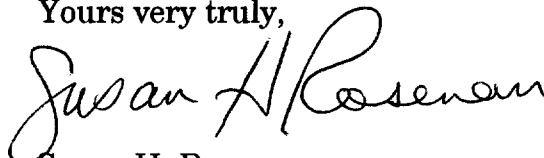
RE: MM Docket No. 93-42, Calistoga, California

Dear Mr. Caton:

On behalf of Moonbeam, Inc., an applicant (File No. BPH-911115MG) for a New FM Station on Channel 265A in Calistoga, California, please find the original and six copies of its Petition for Leave to Amend in the above-referenced proceeding.

Kindly communicate any questions directly to this office.

Yours very truly,

  
Susan H. Rosenau

Enclosures (6)

cc: Moonbeam, Inc.  
Robert Zauner, Esquire  
A. Wray Fitch, Esquire  
Administrative Law Judge Edward Luton  
Chief, Data Management Staff, Audio Services Division

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JUL 21 1993

Before The

**Federal Communications Commission**

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications Of

**Docket No. MM 93-42**

MOONBEAM, INC.

File No. BPH-911115MG

GARY E. WILLSON

File No. BPH-911115MO

For a Construction Permit for a  
New FM Station on Channel  
265A in Calistoga, CaliforniaTO: The Honorable Edward Luton  
Administrative Law Judge**Petition For Leave to Amend**

Moonbeam, Inc. ("Moonbeam"), by its attorneys and pursuant to Sections 73.3522 and 1.65 of the Commission's Rules, hereby petitions for leave to amend its pending application for a New FM Broadcast Station on Channel 265A at Calistoga, California. In support thereof, Moonbeam states as follows:

1. Moonbeam seeks to amend its application to change its response to Section II, Question 12(b), based on the acquisition by Idaho Broadcasting Consortium ("IBC") of FM Broadcast Station KRMR, (formerly KYAA), Ketchum, Idaho. IBC is a corporation wholly-owned by Fred W. Constant, who is the husband of Mary F. Constant, the President, sole director and 100% shareholder of Moonbeam, Inc., the applicant herein. Said change became effective on November 30, 1992.

2. This amendment is submitted pursuant to Section 1.65 of the Commission's Rules which requires applicants to inform the Commission when the information "furnished in the pending application is no longer substantially accurate and complete . . ." 47 C.F.R. §1.65(a). An applicant is responsible for the continuing accuracy of all information contained in its application.

3. Good cause exists for the acceptance of this amendment. The proffered amendment reports a change in the applicant's response to Section II, Question 8(b), i.e., that a corporation wholly-owned by the husband of Moonbeam's president, sole director and shareholder acquired a construction permit for an FM station in Ketchum, Idaho. Section 1.65 of the Commission's rules requires an applicant to report this change.

4. This acquisition was at all times a matter of public record with the Commission. In addition, Mr. Constant's assignment application disclosed Moonbeam's pending application. Nonetheless, due to an unintentional administrative oversight, this change was not formally reported to the Commission by Moonbeam.

5. Moonbeam's oversight became apparant from Gary Willson's July 8, 1993 Third Petition to Enlarge Issues. Acceptance of this amendment will not cause the addition of parties or issues to the proceeding, nor prejudice any party<sup>1</sup> nor newly confer a competitive advantage on the applicant. Neither should the amendment delay or disrupt the proceeding.

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<sup>1</sup> Gary Willson ("Willson"), the only other applicant to this proceeding, cannot claim he will be prejudiced by the grant of Moonbeam's Petition, since his July 8, 1993 Enlargement Petition is already pending. Nor will allowance of this amendment result in a comparative upgrade of Moonbeam's proposal.

6. Further, Moonbeam has acted promptly upon learning of its oversight to previously amend its application; this Petition has been filed within ten business days after learning that an amendment had not been previously filed. Thus, good cause exists for the acceptance of the tendered amendment.

WHEREFORE, the premises considered, Moonbeam respectfully

## **AMENDMENT**

Please amend the application of Moonbeam, Inc. (FCC File No. BPH-911115MG) for authority to construct a new commercial FM broadcast station on Channel 265A at Calistoga, California in the following respect:

### **FCC Form 301, Section II, Item 12(b)**

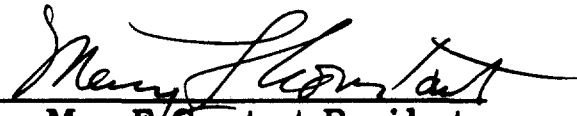
Substitute the amended Section II, Item 12(b) (Page 4) and amended Exhibit 1-B submitted herewith in lieu of the Section II, Item 12(b) (Page 4) previously submitted.

## **CERTIFICATION**

I, Mary F. Constant, hereby certify that the statements contained in this amendment are true, complete, and correct, to the best of my knowledge and belief, and are made in good faith. I also certify that no party to the application of Moonbeam, Inc. is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §853a.

Signed and dated this 20 day of July, 1993.

**MOONBEAM, INC.**

By   
Mary F. Constant, President

**Section II - LEGAL QUALIFICATIONS (Page 4)**

10. Does the applicant, or any party to the application, have a petition to migrate to the expanded band (1605-1705 (kHz) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein?

☐ Yes ☒ No

If Yes, provide particulars as an Exhibit.

Exhibit No.  
N/A

11. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☐ Yes ☒ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☒ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.  
N/A

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

12. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☒ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
1 - B

13. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.  
N/A

**FCC Form 301**  
Sec. II, Item 12(b)

**Amended Exhibit No. 1-B**  
July, 1993

**MOONBEAM, INC.**  
**Family Members Holding Interests in Broadcast Properties**

On November 30, 1992, Fred W. Constant, sole owner of Idaho Broadcasting Consortium ("IBC"), acquired FM Broadcast Station KRMR, (formerly KYAA), Ketchum, Idaho. Mr. Constant is also the husband of Mary F. Constant, President, sole director, and 100% shareholder of Moonbeam, Inc., the applicant for authority to construct a new FM Broadcast Station on Channel 265A in Calistoga, California (FCC File No. BPH-911115MG).

# CERTIFICATE OF SERVICE

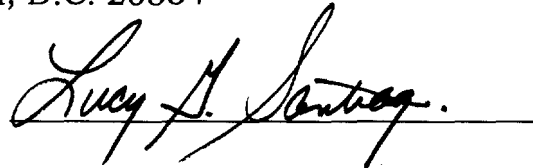
The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the foregoing Petition for Leave to Amend was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered\*, to the following:

A. Wray Fitch, III, Esquire\*  
Gammon & Grange  
8280 Greensboro Drive  
McLean, VA 22102-3807

Administrative Law Judge Edward Luton\*  
2000 L Street N.W.  
Washington, D.C. 20036

Robert Zauner, Esquire\*  
Federal Communications Commission  
Mass Media Bureau, Hearing Branch  
Suite 7212  
2025 M Street N.W.  
Washington, D.C. 20554

Chief, Data Management Staff\*  
Audio Services Division  
Mass Media Bureau  
Federal Communications Commission  
Rm. 350  
1919 M Street N.W.  
Washington, D.C. 20554

A handwritten signature in cursive script, reading "Lucy A. Santiago", is written over a horizontal line.

July 21, 1993